

I certify that the attached is a true and
correct copy of H.R. 114, which
was filed of record on MAY 13 1991

and referred to the committee on:

Urban Affairs

Betty Murray

Chief Clerk of the House

1991 M. PERMISSION GRANTED TO INTRODUCE

FILED MAY 13 1991

By Uher

J.R. 114

A JOINT RESOLUTION

1 proposing a constitutional amendment relating to the amending
2 of a home rule charter by a city under 5,000 population.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Article 11, Section 5, of the Texas
5 Constitution is amended to read as follows:

6 Sec. 5. CITIES OF 5000 OR MORE POPULATION; ADOPTION [OR
7 AMENDMENT] OF CHARTERS; TAXES; DEBT RESTRICTIONS. Cities
8 having more than five thousand (5000) inhabitants may, by a
9 majority vote of the qualified voters of said city, at an
10 election held for that purpose, adopt [~~or--amend~~] their
11 charters, subject to such limitations as may be prescribed by
12 the Legislature, and providing that no charter or any
13 ordinance passed under said charter shall contain any
14 provision inconsistent with the Constitution of the State, or
15 of the general laws enacted by the Legislature of this State;
16 said cities may levy, assess and collect such taxes as may be
17 authorized by law or by their charters; but no tax for any
18 purpose shall ever be lawful for any one year, which shall
19 exceed two and one-half per cent. of the taxable property of
20 such city, and no debt shall ever be crated by any city,
21 unless at the same time provision be made to assess and
22 collect annually a sufficient sum to pay the interest thereon
23 and creating a sinking fund of at least two per cent. thereon;
24 and provided further, that no city charter shall be altered,
25 amended or repealed oftener than every two years.

1 SECTION 2. This proposed constitutional amendment shall
2 be submitted to the voters at an election to be held November
3 5, 1991. The ballot shall be printed to provide for voting
4 for or against the proposition: "The constitutional amendment
5 allowing cities under 5,000 population to amend the home rule
6 charter by popular vote."

HOUSE COMMITTEE REPORT

91 MAY 17 PM 11:43

HOUSE OF REPRESENTATIVES

1st Printing

By Usher

H. J. R. 114

A JOINT RESOLUTION

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6 charter by popular vote."

COMMITTEE REPORT

The Honorable Gib Lewis
Speaker of the House of Representatives

17 May 1991
(date)

Sir:

We, your COMMITTEE ON URBAN AFFAIRS,
to whom was referred HJR 114 have had the same under consideration and beg to report
(measure)

back with the recommendation that it

- ☒ do pass, without amendment.
- ☐ do pass, with amendment(s).
- ☐ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. ☒ yes () no An author's fiscal statement was requested. () yes ☒ no

A criminal justice policy impact statement was requested. () yes ☒ no

An equalized educational funding impact statement was requested. () yes ☒ no

An actuarial analysis was requested. () yes ☒ no

A water development policy impact statement was requested. () yes ☒ no

A federal funds impact statement was requested. () yes ☒ no

() The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

This measure () proposes new law. ☒ amends existing law.

House Sponsor of Senate Measure _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Pierce, Ch.	<input checked="" type="checkbox"/>			
Conley, V.C.	<input checked="" type="checkbox"/>			
Bailey	<input checked="" type="checkbox"/>			
Carona	<input checked="" type="checkbox"/>			
de la Garza	<input checked="" type="checkbox"/>			
Gallegos	<input checked="" type="checkbox"/>			
Park				<input checked="" type="checkbox"/>
Puente	<input checked="" type="checkbox"/>			
Shea	<input checked="" type="checkbox"/>			
Yarbrough	<input checked="" type="checkbox"/>			
District 126 <i>Harris</i>	<input checked="" type="checkbox"/>			

Total
10 aye
0 nay
0 present, not voting
1 absent

George Pierce
CHAIRMAN
Deborah K. McCall
COMMITTEE COORDINATOR

BILL ANALYSIS

H.J.R. 114
By Uher

Committee on
Urban Affairs

Background Information

The home-rule amendment of the constitution, article XI, section 5, provides for the adoption and amendment of a charter for municipalities of 5,000 population or more. This provision was adopted in 1912.

Purpose

This legislation would amend the constitution to permit a home-rule municipality whose population has decreased below 5,000 to amend its charter by voter approval. A strict reading of article XI, section 5 would permit only municipalities over 5,000 population to amend their charters.

Section-by-Section Analysis

Section 1. Proposes an amendment to article XI, section 5 of the state constitution to delete the authority to amend by voter approval a municipal charter for a city of 5,000 inhabitants or more.

Section 2. Provides for ballot language and an election to be held November 5, 1991.

Rulemaking Authority

It is the opinion of this committee that this bill does not delegate any rulemaking authority to any state agency, officer, department, court or institution.

Summary of Committee Action

Pursuant to suspension of the 5 day posting rule made from the House Floor on 17 May 1991, HJR 114 was considered in a formal meeting on 17 May 1991. The Chair laid out the resolution. A motion to report HJR 114 favorably carried by the following vote: 10 Ayes, 0 Nays, 0 PNV and 1 Absent.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE

May 16, 1991

TO: Honorable George Pierce, Chair
Committee on Urban Affairs
House of Representatives
Austin, Texas

IN RE: House Joint Resolution No. 114
By: Uher

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Joint Resolution No. 114 (proposing a constitutional amendment relating to the amending of a home rule charter by a city under 5,000 population) this office has determined the following:

No fiscal implication to the State is anticipated.

The fiscal implication to units of local government cannot be determined.

The cost of publication of the resolution to the State is \$60,000.

Source: LBB Staff: JO, JWH, DF, LC

HOUSE ENGROSSMENT

91 MAY 22 AM 1:52
HOUSE OF REPRESENTATIVES

By Uher

H.J.R. No. 114

A JOINT RESOLUTION

1 proposing a constitutional amendment relating to the amending of a
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9 charters, subject to such limitations as may be prescribed by the
10 Legislature, and providing that no charter or any ordinance passed
11 under said charter shall contain any provision inconsistent with
12 the Constitution of the State, or of the general laws enacted by
13 the Legislature of this State; said cities may levy, assess and
14 collect such taxes as may be authorized by law or by their
15 charters; but no tax for any purpose shall ever be lawful for any
16 one year, which shall exceed two and one-half per cent. of the
17 taxable property of such city, and no debt shall ever be created by
18 any city, unless at the same time provision be made to assess and
19 collect annually a sufficient sum to pay the interest thereon and
20 creating a sinking fund of at least two per cent. thereon; and
21 provided further, that no city charter shall be altered, amended or
22 repealed oftener than every two years.

23 SECTION 2. This proposed constitutional amendment shall be
24 submitted to the voters at an election to be held November 5, 1991.

H.J.R. No. 114

1 The ballot shall be printed to provide for voting for or against
2 the proposition: "The constitutional amendment allowing cities
3 under 5,000 population to amend the home-rule charter by popular
4 vote."

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE

May 16, 1991

TO: Honorable George Pierce, Chair
Committee on Urban Affairs
House of Representatives
Austin, Texas

IN RE: House Joint Resolution No. 114
By: Uher

FROM: Jim Oliver, Director

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Source: LBB Staff: JO, JWH, DF, LC

By: Uher (Senate Sponsor - Glasgow) H.J.R.. No. 114
(In the Senate - Received from the House May 22, 1991;
May 22, 1991, read first time and referred to Committee on
Intergovernmental Relations; May 23, 1991, reported adversely, with
favorable Committee Substitute by the following vote: Yeas 8, Nays
0; May 23, 1991, sent to printer.)

COMMITTEE VOTE

	Yea	Nay	PNV	Absent
Whitmire	x			
Leedom	x			
Armbrister				x
Bivins				x
Brown	x			
Ellis	x			
Lucio	x			
Moncrief	x			
Sibley				x
Tejeda	x			
Turner	x			

COMMITTEE SUBSTITUTE FOR H.J.R. No. 114

By: Moncrief

A JOINT RESOLUTION

proposing a constitutional amendment relating to the amending of a
home rule charter by a city with a population of 5,000 or less.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article XI, Section 5, of the Texas Constitution
is amended to read as follows:

Sec. 5. Cities having more than five thousand (5000)
inhabitants may, by a majority vote of the qualified voters of said
city, at an election held for that purpose, adopt or amend their
charters. If the number of inhabitants of cities that have adopted
or amended their charters under this section is reduced to five
thousand (5000) or fewer, the cities still may amend their charters
by a majority vote of the qualified voters of said city at an
election held for that purpose. The adoption or amendment of
charters is[7] subject to such limitations as may be prescribed by
the Legislature, and [providing-that] no charter or any ordinance
passed under said charter shall contain any provision inconsistent
with the Constitution of the State, or of the general laws enacted
by the Legislature of this State. Said[7-said] cities may levy,
assess and collect such taxes as may be authorized by law or by
their charters; but no tax for any purpose shall ever be lawful for
any one year, which shall exceed two and one-half per cent. of the
taxable property of such city, and no debt shall ever be created by
any city, unless at the same time provision be made to assess and
collect annually a sufficient sum to pay the interest thereon and
creating a sinking fund of at least two per cent. thereon.
Furthermore,[7-and-provided-further,7-that] no city charter shall be
altered, amended or repealed oftener than every two years.

SECTION 2. This proposed constitutional amendment shall be
submitted to the voters at an election to be held November 5, 1991.
The ballot shall be printed to provide for voting for or against
the proposition: "The constitutional amendment allowing home-rule
cities with a population of 5,000 or less to amend their charters
by popular vote."

* * * * *

Austin, Texas
May 23, 1991

Hon. Bob Bullock
President of the Senate

Sir:

We, your Committee on Intergovernmental Relations to which was referred H.J.R. No. 114, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

Whitmire, Chairman

**FAVORABLY AS SUBSTITUTED
SENATE COMMITTEE REPORT ON**

SB SCR SJR SR HB HCR HJR 114

By Uher / Glasgow
(Author/Senate Sponsor)

5/23/91
(date of submission to Senate)

Lt. Governor Bob Bullock
President of the Senate

Sir:

We, your Committee on Intergovernmental Relations, to which was referred the attached measure, have on 5/23/91, had the same under consideration and I am instructed to report it back with the recommendation (s) that it:

- ☒ do pass as substituted, and be printed
☐ the caption remained the same as original measure
☒ the caption changed with adoption of the substitute
☐ do pass as substituted, and be ordered not printed
☐ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☒ yes ☐ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Whitmire, Chairman	<input checked="" type="checkbox"/>			
Leedom, Vice Chairman	<input checked="" type="checkbox"/>			
Armbrister			<input checked="" type="checkbox"/>	
Bivins			<input checked="" type="checkbox"/>	
Brown	<input checked="" type="checkbox"/>			
Ellis	<input checked="" type="checkbox"/>			
Lucio	<input checked="" type="checkbox"/>			
Moncrief	<input checked="" type="checkbox"/>			
Tejeda	<input checked="" type="checkbox"/>			
Turner	<input checked="" type="checkbox"/>			
<u>S. Blay</u>			<input checked="" type="checkbox"/>	
TOTAL VOTES	8	0	3	0

COMMITTEE ACTION

S260 Considered in public hearing
S270 Testimony taken

Diana Kelly
COMMITTEE CLERK

John Whit
CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill along with TWO copies of the Committee Substitute
Deliver one copy of this form to the Calendar Clerk, Room 218 Capitol
Deliver one copy of this form to the Legislative Reference Library, Room 207B Capitol
Retain one copy of this form for Committee files

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE

May 22, 1991

TO: Honorable John Whitmire, Chairman IN RE: House Joint Resolution No. 114,
Committee on Intergovernmental as engrossed
Relations By: Uher
Senate Chamber
Austin, Texas

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Joint Resolution No. 114, as engrossed (proposing a constitutional amendment relating to the amending of a home-rule charter by a city under 5,000 population) this office has determined the following:

No fiscal implication to the State is anticipated.

The fiscal implication to units of local government cannot be determined.

The cost of publication of the resolution to the State is \$60,000.

Source: LBB Staff: JO, JWH, DF, PA

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE

May 16, 1991

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Committee on Urban Affairs
House of Representatives
Austin, Texas

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Substitute

By Uher

ADOPTED H.J.R. No. 114

Substitute the following for H.J.R. No. 114:

MAY 24 1991

By

C.S.H.J.R. No. 114
Secretary of the Senate

A JOINT RESOLUTION

1 proposing a constitutional amendment relating to the amending of a
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9 charters. If the number of inhabitants of cities that have adopted
10 or amended their charters under this section is reduced to five
11 thousand (5000) or fewer, the cities still may amend their charters
12 by a majority vote of the qualified voters of said city at an
13 election held for that purpose. The adoption or amendment of
14 charters is[7] subject to such limitations as may be prescribed by
15 the Legislature, and [providing-that] no charter or any ordinance
16 passed under said charter shall contain any provision inconsistent
17 with the Constitution of the State, or of the general laws enacted
18 by the Legislature of this State. Said[7-~~said~~] cities may levy,
19 assess and collect such taxes as may be authorized by law or by
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2 Furthermore,~~[,-and-provided-further,-that]~~ no city charter shall be
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SENATE AMENDMENTS

2nd Printing

91 MAY 24 PM 10:18

HOUSE OF REPRESENTATIVES

By Uher

H.J.R. No. 114

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H.J.R. No. 114

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By Uher

H.J.R. No. 114

SENATE AMENDMENT NO. 1

By Moncrief

C.S.H.J.R. No. 114

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10 72R10077 MRB-D

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE

May 22, 1991

TO: Honorable John Whitmire, Chairman IN RE: House Joint Resolution No. 114,
Committee on Intergovernmental as engrossed
Relations By: Uher
Senate Chamber
Austin, Texas

FROM: Jim Oliver, Director

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Source: LBB Staff: JO, JWH, DF, PA

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE

May 16, 1991

TO: Honorable George Pierce, Chair
Committee on Urban Affairs
House of Representatives
Austin, Texas

IN RE: House Joint Resolution No. 114
By: Uher

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F
ENROLLED

H.J.R. No. 114

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9 by popular vote."

H.J.R. No. 114

President of the Senate

Speaker of the House

I certify that H.J.R. No. 114 was passed by the House on May 21, 1991, by the following vote: Yeas 148, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.J.R. No. 114 on May 25, 1991, by the following vote: Yeas 135, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.J.R. No. 114 was passed by the Senate, with amendments, on May 24, 1991, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

RECEIVED: _____

Date

Secretary of State

President of the Senate

Speaker of the House

I certify that H.J.R. No. 114⁽¹⁾ was passed by the House
on May 21⁽²⁾, 1991, by the following vote:
Yeas 148⁽³⁾, Nays 0, 1 present, not voting⁽⁴⁾;
and that the House concurred in Senate amendments to H.J.R. No. 114⁽⁵⁾
on May 25⁽⁵⁾, 1991, by the following
vote: Yeas 135⁽⁶⁾, Nays 0, 1 present, not voting⁽⁷⁾.

Chief Clerk of the House

**** Preparation: CT20;

I certify that H.J.R. No. 114⁽¹⁾ was passed by the Senate, with
amendments, on May 24⁽²⁾, 1991, by the following
vote: Yeas 31⁽³⁾, Nays 0⁽⁴⁾.

Secretary of the Senate

RECEIVED:

Date

Secretary of State

**** Preparation: CT22;

114Uher

HOUSE JOINT RESOLUTION

proposing a constitutional amendment relating to the amending of a home rule charter by a city under 5,000 population.

MAY 13 1991

1. Filed with the Chief Clerk.

PERMISSION GRANTED TO INTRODUCE

MAY 14 1991

2. Read first time and referred to Committee on

Urban Affairs

MAY 17 1991

3. Reported favorably (as amended) (as substituted) and sent to Printer at4:45 pm
MAY 17 1991

MAY 17 1991

4. Printed and distributed at

11:43 p

MAY 20 1991

5. Sent to Committee on Calendars at

5:40 pm

MAY 21 1991

6. Read second time (amended) and (finally) passed to Third Reading by a Record Vote of 148 yeas, 0 nays, 1 present, not voting.

7. Motion to reconsider and table the vote by which H.J.R. _____ was ordered engrossed prevailed (failed) by (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

8. Read third time (amended) and finally adopted (failed of adoption) by a Record Vote of _____ yeas, _____ nays, _____ present, not voting.

9. Caption ordered amended to conform to body of resolution.

10. Motion to reconsider and table the vote by which H.J.R. _____ was finally adopted prevailed (failed) by a (Non-Record Vote) Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

MAY 21 1991

11. Ordered Engrossed at

2:55 pm

MAY 22 1991

12. Engrossed.

MAY 22 1991

13. Returned to Chief Clerk at

1:52 am

MAY 22 1991

14. Sent to the Senate.

Betty Murray
Chief Clerk of the House

MAY 22 1991

15. Received from the House

MAY 22 1991

16. Read, referred to Committee on

Intersec. Rel.

17. Reported favorably

MAY 23 1991

18. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

19. Ordered not printed.

MAY 24 1991

20. Regular order of business suspended by

unanimous
(a viva voce vote.) Consent
(_____ yeas, _____ nays.)

21. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

MAY 24 1991

22. Read second time

passed to third reading by:
(a viva voce vote.) _____ yeas, _____ nays.)

23. Caption ordered amended to conform to body of bill.

MAY 24 1991


24. Senate and Constitutional 3-Day Rules suspended by vote of 31 yeas,
0 nays to place bill on third reading and final passage.

MAY 24 1991

25. Read third time and passed by
(a viva voce vote.) 31 yeas, 0 nays.)

OTHER ACTION:

OTHER ACTION:


Secretary of the Senate

5-24-91

26. Returned to the House.

MAY 24 1991

27. Received from the Senate ~~(with amendments.)~~
(as substituted.)

MAY 25 1991

28. House (Concurred) ~~(Refused to Concur)~~ in Senate ~~(Amendments)~~ by a ~~(Record)~~ (Non-Record)
(Substitute) (Vote) (Record Vote of yeas, nays, present,
 not voting). of 135 yeas 0 nays 1 prv

29. Conference Committee Ordered.

30. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record
Vote of yeas, nays, and present, not voting).

MAY 25 1991

31. Ordered Enrolled at 5:32 pm

91 MAY 25 PM 10:18

HOUSE OF REPRESENTATIVES

HOUSE OF REPRESENTATIVES

91 MAY 17 PM 11:43

91 MAY 22 PM 1:52

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